

BRIAN J. STRETCH (CABN 163973)
United States Attorney

BARBARA J. VALLIERE (DCBN 439353)
Chief, Criminal Division

CHRISTINA McCALL (CABN 234139)
Assistant United States Attorney

1301 Clay Street, Suite 340-S
Oakland, California 94612
Telephone: (510) 637-3680
Facsimile: (510) 637-3724
E-Mail: christina.mccall@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. 16-71042-MAG
)	
Plaintiff,)	STIPULATED REQUEST TO ORDER
)	DEFENDANT REMOVED TO THE EASTERN
v.)	DISTRICT OF MICHIGAN AND EXCLUDE TIME
)	
DAMARCUS BRISTAUN FITZHUGH,)	
)	
Defendant.)	
)	
)	

On August 19, 2016, defendant Damarcus Fitzhugh was arrested on a warrant from the Eastern District of Michigan. At the bond hearing on August 24, 2016, Fitzhugh admitted his identity. During that hearing, this Court ordered Fitzhugh released on a \$50,000 bond, but stayed that release order at the government's request, because government counsel indicated that it would appeal the release order to the district judge in the Eastern District of Michigan (EDMI)—case 17CR20075 / 16-mj-30364. United States District Judge Gershwin A. Drain revoked the order setting bond conditions. See Exhibit 1, EDM I 16-mj-30364, Dkt. #13. Judge Drain also granted multiple defense requests to order Fitzhugh to remain in the custody of the United States Marshals in the Northern District of California. See Exhibit

2, EDMJ 16-mj-30364, Dkt. #28. That stay is due to expire on February 16, 2017, so Fitzhugh will be eligible to be removed to the Eastern District of Michigan on February 17, 2017.

The prosecutor in Michigan has provided the following information for the next court appearance for Fitzhugh:

March 10, 2017, at 1:00 p.m.
Theodore Levin United States Courthouse,
231 W. Lafayette Blvd.,
Detroit, MI 48226

The parties jointly request that this Court order Fitzhugh removed, effective February 17, 2017, and order him to appear in the Eastern District of Michigan on March 10, 2017.

The parties also jointly request that this Court exclude time under the Speedy Trial Clock until March 10, 2017, due to Fitzhugh's removal to Michigan—in the custody of the United States Marshals Service. See 18 U.S.C. 3161(h)(1)(E) and (F).

IT IS SO STIPULATED:

DATED: February 14, 2017

Respectfully submitted,

BRIAN J. STRETCH
United States Attorney

_____/s/_____
CHRISTINA McCALL
Assistant United States Attorney

DATED: February 14, 2017

_____/s/_____
JEROME MATTHEWS
Counsel for Damarcus Fitzhugh

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[PROPOSED] ORDER

Based on the foregoing Stipulation and for good cause shown, effective February 17, 2017, the Court hereby ORDERS defendant Damarcus Fitzhugh removed to the Eastern District of Michigan, and ORDERS him to appear at the courtroom listed above on March 10, 2017 at 1:00 p.m. Time is excluded between the date of this order and March 10, 2017 due to Fitzhugh's removal to Michigan—in the custody of the United States Marshals Service.

IT SO ORDERED.

DATED: 2/14/17


The Hon. Kandis A. Westmore
United States Magistrate Judge